

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES KEVIN KERGIL,

Movant,

-against-

UNITED STATES OF AMERICA,

Respondent.

17-CV-4675 (CM)

12-CR-0152 (CM)

ORDER

MCMAHON, C.J.:

On June 19, 2017, Kergil filed a *pro se* motion to vacate, correct, or set aside his conviction and sentence, pursuant to 28 U.S.C. § 2255. On October 13, 2017, the Government filed its response opposing the motion. On November 13, 2017, Kergil filed a reply. The motion was fully submitted.

In a letter to the Court dated November 27, 2017, attorney Marc Fernich informed the Court that his office “had just been retained to handle” Kergil’s motion and asked that the Court “temporarily suspend the motion” to allow his office time “to determine how best to proceed—*e.g.*, whether to seek leave to amend and supplement Mr. Kergil’s *pro se* submissions with a counseled brief.” Counsel said that he would make his determination “expeditiously.” The Court granted Mr. Fernich’s request.

More than six months have now passed without any word from Mr. Fernich. If Mr. Fernich wishes to make an application to the Court regarding Kergil’s *pro se* submissions, counsel must do so within 10 days of this order. If Counsel does not respond in 10 days, the Court will consider the motion fully submitted and render a decision.

May 30, 2018


COLLEEN McMAHON
Chief United States District Judge

USDC SDNY
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